



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

D'Arcy M. Tyrrell, III, et al.

Serial No.:

09/609,046

Filing Date:

June 30, 2000

Title:

METHOD AND SYSTEM FOR
DISTRIBUTED RENDERING

RECEIVED

MAY 23 2001

OFFICE OF PETITIONS

Honorable Assistant Commissioner
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Washington, D.C. 20231

Dear Sir:

05/03/2001 HMDHMM1 00000098 09609046

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Willie Jiles

Willie Jiles

PETITION TO MAKE APPLICATION
FOR PATENT UNDER 37 C.F.R. § 1.47(a)

Bradley P. Williams, on behalf of Silicon Graphics, Inc. ("SGI"), an assignee of the above-identified patent application (the "Application"), and D'Arcy M. Tyrrell, a signing inventor, hereby petitions to make application for patent on behalf of joint inventors, Anne P. Wagner, David Witters, Richard A. Peterson and David Lease under 37 C.F.R. § 1.47(a), and hereby respectfully submits the following:

1. On June 30, 2000, SGI filed a non-provisional patent application entitled **METHOD AND SYSTEM FOR DISTRIBUTED RENDERING** with the United States Patent and Trademark Office, which was assigned Application Serial No. 09/609046.
2. The named joint inventors are D'Arcy M. Tyrrell, III, Anne P. Wagner, David Witters, Richard A. Peterson and David Lease. Anne P. Wagner, David Witters, Richard A.

Peterson and David Lease (hereinafter referred to as the "uncooperative inventors") all refused to join in the Application.

3. Proof of the pertinent facts is set forth in the Declaration of Bradley P. Williams, submitted with this Petition, and the Declaration of Doug Crisman.

4. Documentary evidence recited in the Declaration of Bradley P. Williams is also attached.

5. The statements in the Declaration of Bradley P. Williams and the Declaration of Doug Crisman, made with first hand knowledge of the facts, and the attached documentary evidence, are self-explanatory and are submitted as proof of the difficulty to join the uncooperative inventors.

6. The last known addresses and phone numbers for the uncooperative inventors are as follows:

Anne P. Wagner
4216 25th Street
San Francisco, CA 94114-3659

Richard A. Peterson
377 Brookwood Drive
Hudson, WI 54016-7406

David Witters
13928 Tahiti Way, Apt. 114
Marina Del Rey, CA 90292-6526

David Lease
3833 Riverton
Eagan, MN 55122-1713

7. A copy of the Declaration and Power of Attorney executed by joint inventor, D'Arcy M. Tyrrell, III, on behalf of himself and the uncooperative joint inventors pursuant to 37 C.F.R. § 1.64(b) is also submitted. The original unexecuted Declaration and Power of Attorney was submitted with the application filing on December 29, 2000 and is attached as Exhibit B to the attached Declaration of Bradley P. Williams.

8. Please find enclosed a check in the amount of \$130.00 as provided by 37 C.F.R. § 1.17(i) and a check in the amount of \$1,890.00 to cover the five-month extension fee from December 5, 2000, to April 5, 2001. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to the Deposit Account No. 02-0384 of Baker Botts L.L.P.

ATTORNEY DOCKET
062891.0439

PATENT
09/741,115

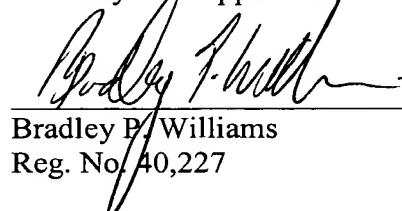
3

It is respectfully requested that this Petition be granted.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Date: 5/4/01



Bradley P. Williams
Reg. No. 40,227

BAKER BOTTS LLP

2001 ROSS AVENUE
DALLAS, TEXAS
75201-2980
214.953.6500
FAX 214.953.6503

AUSTIN
BAKU
DALLAS
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NEW YORK
WASHINGTON

November 10, 2000

MAY 04 2001

BY FEDEX

D'Arcy M. Tyrrell, III
1747 Fern Street
Orange, California 92867-4013

David Witters
Wam!Net, Inc.
12121 Wilshire Boulevard, Suite 750
Los Angeles, California 90025

David Lease
Wam!Net, Inc.
655 Lone Oak Drive
Eagan, Minnesota 55121

Anne P. Wagner
4216 25th Street
San Francisco, California 94114

Richard A. Peterson
Wam!Net, Inc.
655 Lone Oak Drive
Eagan, Minnesota 55121

RE: *Method and System for Distributed Rendering*
U.S. Patent Application No. 09/609,046
Silicon Graphics, Inc. No. 15-4-0901.00; Our File No. 062896.0186

Ladies and Gentlemen:

You are listed as one of the inventors for the above-identified invention disclosure. Enclosed is a copy of a patent application covering this invention disclosure. Copies of the drawings are also enclosed. The patent application was filed on June 30, 2000 in the U.S. Patent and Trademark Office.

I am also enclosing the Declaration and Power of Attorney and Assignment documents to execute and return to me so I can file them with the United States Patent and Trademark Office. When executing, please sign in **blue ink** exactly as it is typewritten and dating each document (note that the Assignment document needs to be dated twice).

The inventors and every other individual who are substantively involved in the filing and prosecution of a patent application have a duty to disclose to the PTO all information known to that individual to be material to patentability of the invention as it is defined by each of the claims of the application.

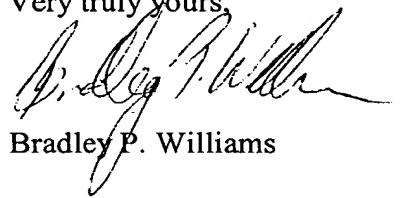
Material information may include:

- (1) written materials, such as patents, technical articles, or product brochures published more than one year ago.
- (2) information concerning public disclosure, public use, sale or offer for sale of methods or apparatus related to your invention, more than one year ago; and
- (3) information disclosed to third parties without confidentiality restrictions on its disclosure, more than one year ago.

If you are aware of any such information which has not already been brought to my attention, please notify me as soon as possible. Failure to disclose such information may invalidate any patent issuing on the application. Accordingly, if you question whether certain information is material, please forward it to us and we'll determine specific disclosure requirements. The duty to disclose all known or subsequently discovered information remains in force until a patent is granted on the application.

After execution, please return the Declaration and Power of Attorney and Assignment documents in the enclosed self-addressed, postage prepaid envelope. If you should have any questions, please feel free to contact me in person at (214) 953-6447, by fax at (214) 953-4447, or by email at brad.williams@bakerbotts.com.

Very truly yours,



Bradley P. Williams

BPW:srl
Enclosures
cc: Ms. Jeannette Schreckenghaust

Lannen, Sandee

From: sysdeliv@esprim5.prod.fedex.com
Sent: Monday, November 13, 2000 4:03 PM
To: sandee.lannen@bakerbotts.com
Subject: FedEx shipment 791896240207

Our records indicate that the shipment sent from SANDEE REVLETT LANNEN/BAKER BOTTS L.L.P to David Witters/Wam!Net, Inc. has been delivered.

The package was delivered on 11/13/2000 at 9:35 AM and signed for or released by K.MEREDITH.

The ship date of the shipment was 11/10/2000.

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 2001 ROSS AVENUE
 SUITE 600
 DALLAS, TX, 75201

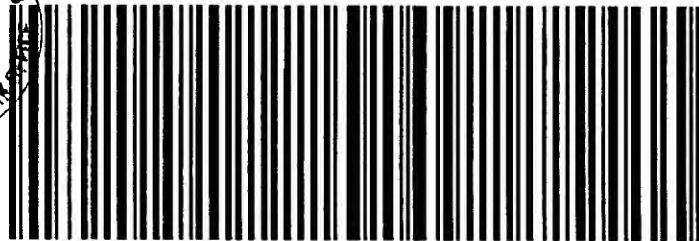
To: David Witters (310)979-2800
 Wam!Net, Inc.
12121 Wilshire Boulevard
Suite 750
Los Angeles, CA, 90025

Ref: 062896.0186

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Lannen, Sandee

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To: sandee.lannen@bakerbotts.com
Subject: FedEx shipment 790398143949

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The package was delivered on 11/13/2000 at 9:12 AM and signed for or released by A.WAGNER.

The ship date of the shipment was 11/10/2000.

The tracking number of this shipment was 790398143949.

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 BAKER BOTTS L.L.P.
 2001 ROSS AVENUE
 SUITE 600
 DALLAS, TX, 75201



To: Anne Wagner (415)824-4195

FedEx.SHIP DATE: 10NOV00
WEIGHT: 1 LBS

4216 25th Street

San Francisco, CA, 94114

Ref: 062896.0186

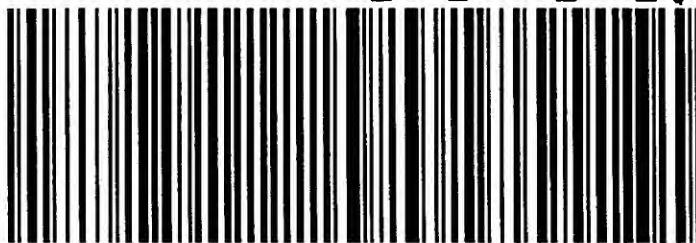
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Lannen, Sandee

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Sent: Monday, November 13, 2000 8:59 AM
To: sandee.lannen@bakerbotts.com
Subject: FedEx shipment 790398125181

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The package was delivered on 11/13/2000 at 8:42 AM and signed for or released by S.STRIPSKY.

The ship date of the shipment was 11/10/2000.

The tracking number of this shipment was 790398125181.

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 BAKER BOTTS L.L.P.
 2001 ROSS AVENUE
 SUITE 600
 DALLAS, TX, 75201



To: David Lease (651)256-5100
 Wam!Net, Inc.
 655 Lone Oak Drive

FedEx.

SHIP DATE: 10NOV00
 WEIGHT: 1 LBS

Eagan, MN, 55121

Ref: 062896.0186



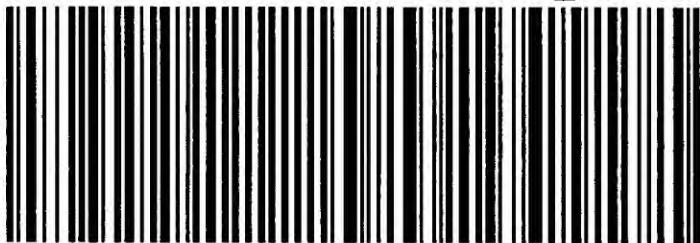
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Arrived at FedEx Destination Location SAINT PAUL MN	11/11/2000 07:51	
Arrived at Sort Facility INDIANAPOLIS IN	11/11/2000 02:38	
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Left FedEx Ramp DALLAS TX	11/11/2000 01:22	
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To: Richard A. Peterson (651)256-5165
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 655 Lone Oak Drive

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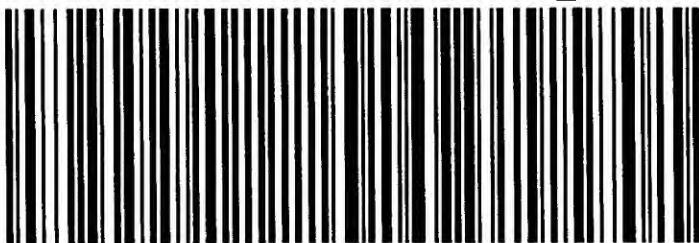
Ref: 062896.0186

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PATENT
09/751,756

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

D'Arcy M. Tyrrell, III, et al.

Serial No.:

09/609046

Filing Date:

June 30, 2000

Title:

METHOD AND SYSTEM FOR
DISTRIBUTED RENDERING

Honorable Assistant Commissioner

of Patents

Washington, D.C. 20231

Dear Sir:

**DECLARATION OF FACTS PURSUANT TO
37 C.F.R. § 1.47(a) BY BRADLEY P. WILLIAMS**

I am a patent attorney handling this non-provisional utility patent application for Silicon Graphics, Inc. ("SGI"). SGI is an assignee of the application as evidenced by an Assignment executed by joint inventor D'Arcy M. Tyrrell, III on November 13, 2000 (Exhibit A). The Assignment executed by D'Arcy M. Tyrrell, III is being filed with the U.S. Patent and Trademark Office assignment records simultaneously with this Declaration.

SGI filed this application without a fully executed Declaration. A copy of the unexecuted Declaration and Power of Attorney as filed with the utility application on June 30, 2000 is attached hereto as Exhibit B. Inventors Anne P. Wagner, David Witters, Richard A. Peterson and David Lease refuse to execute the required Declaration. This Declaration accompanies the concurrently filed "Petition to Make Application for Patent Under 37 C.F.R. § 1.47(a)" as supporting evidentiary documents.

The facts are as follows:

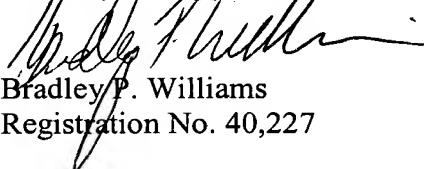
1. On June 30, 2000, SGI filed this application for joint inventors D'Arcy M. Tyrrell, III, Anne P. Wagner, David Witters, Richard A. Peterson and David Lease, entitled **Method and System for Distributed Rendering**, which was assigned U.S. Serial No. 09/609,046.
2. On November 10, 2000, a transmittal letter (Exhibit C), the utility patent application and drawings, Declaration and Power of Attorney, and an Assignment were sent to each of Anne P. Wagner, David Witters, Richard A. Peterson and David Lease via Federal Express. Federal Express tracking documentation showing receipt of these documents is attached as Exhibit D.
3. None of Anne P. Wagner, David Witters, Richard A. Peterson and David Lease have returned a signed Declaration and Power of Attorney to me.
4. Sometime between January and March of 2001, an attorney representing a company named Wam!Net, with whom the uncooperative inventors are associated, Steve Shumaker, contacted me to discuss ownership issues of the patent application. In response, I directed Mr. Shumaker to contact the chief patent counsel for SGI, Doug Crisman.
5. Doug Crisman's attached Declaration shows that the uncooperative inventors have refused to sign the application.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United

States Code, and that such willful false statement may jeopardize the validity of the patent issuing from the instant application.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants


Bradley P. Williams
Registration No. 40,227

Date: 5/4/01

CORRESPONDENCE ADDRESS:

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214.953.6447)

Attachments:

- Exhibit A: A copy of the Assignment executed by D'Arcy M. Tyrrell on November 13, 2000;
- Exhibit B: A copy of the unexecuted Declaration and Power of Attorney as filed with the utility application on June 30, 2000; and
- Exhibit C: A copy of the November 10, 2000, transmittal letter to all inventors enclosing final draft of the utility patent application and drawings, Declaration and Power of Attorney, and Assignment.
- Exhibit D: Federal Express tracking documentation showing receipt of November 10, 2000, letter and enclosures.

ATTORNEY DOCKET NO.
062986.0186
(SGI# 15-4-0901.00)

DECLARATION AND
POWER OF ATTORNEY

1

ASSIGNMENT

WHEREAS, I, the undersigned inventor of residence as listed, have invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been executed on the date set forth below; and

WHEREAS, SILICON GRAPHICS, INC. (hereinafter referred to as "Assignee"), a Delaware corporation, with an address of 1600 Amphitheatre Parkway, M/S 710, Mountain View, California 94043-1351, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

I also assign to Assignee, all right, title and interest in and to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally

ATTORNEY DOCKET NO.
062986.0186
(SGI# 15-4-0901.00)

DECLARATION AND
POWER OF ATTORNEY

2

do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention: **METHOD AND SYSTEM FOR
DISTRIBUTED RENDERING**

ATTORNEY DOCKET NO.
062986.0186
(SGI# 15-4-0901.00)

DECLARATION AND
POWER OF ATTORNEY

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D'Arcy M. Tyrrell, III

Signature of Joint Inventor:

Inventor's Name:

Residence (City, County, State):

Orange, Orange County, California

Date Assignment executed:

11/13/2000

Date Application executed:

11/13/2000

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DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I declare:

that my residence, post office address, and citizenship are as stated below next to my name;

that I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled **METHOD AND SYSTEM FOR DISTRIBUTED RENDERING**, the specification of which (check one):

is attached hereto; or

was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
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NONE

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the

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filling date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application SerialNumber</u>	<u>Date Filed</u>	<u>Status</u>
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NONE

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)
<u>60/198,313</u>	<u>04/19/2000</u>
<u>60/198,314</u>	<u>04/19/2000</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint:

John F. Brigden	Reg. No. 40,530
Douglas J. Crisman	Reg. No. 39,951

of Silicon Graphics, Inc.; and

Jerry W. Mills	Reg. No. 23,005
Robert M. Chiaviello	Reg. No. 32,461
Ann C. Livingston	Reg. No. 32,479
Kevin J. Meek	Reg. No. 33,738
Rodger L. Tate	Reg. No. 27,399
Scott F. Partridge	Reg. No. 28,142
Harold E. Meier	Reg. No. 22,428
Thomas R. Nesbitt, Jr.	Reg. No. 22,075
James J. Maune	Reg. No. 26,946
Charles S. Fish	Reg. No. 35,870
Thomas R. Felger	Reg. No. 28,842

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T. Murray Smith	Reg. No. 30,222
James B. Arpin	Reg. No. 33,470
James Remenick	Reg. No. 36,902
Jay B. Johnson	Reg. No. 38,193
Barton E. Showalter	Reg. No. 38,302
David G. Wille	Reg. No. 38,363
Terry J. Stalford	Reg. No. 39,522
Bradley P. Williams	Reg. No. 40,227
Robert W. Holland	Reg. No. 40,020
Christopher W. Kennerly	Reg. No. 40,675
Floyd B. Chapman	Reg. No. 40,555
Douglas M. Kubehl	Reg. No. 41,915
Samir A. Bhavsar	Reg. No. 41,617
Robert A. King	Reg. No. 42,738
James L. Baudino	Reg. No. 43,486
David M. Doyle	Reg. No. 43,596
Tara D. Knapp	Reg. No. 43,723
William R. Borchers	Reg. No. 44,549
Robin A. Brooks	Reg. No. 44,563
Darren W. Collins	Reg. No. 44,625
Brian W. Oaks	Reg. No. 44,981
Luke K. Pedersen	Reg. No. 45,003
Matthew B. Talpis	Reg. No. 45,142
Keiko Ichiye	Reg. No. 45,460
Jeffrey D. Baxter	Reg. No. 45,560
Thomas A. Beaton	Reg. No. P45,543
Kurt M. Pankratz	Reg. No. P45,977
Bryan E. Szymczak	Reg. No. P47,120

Patent Agents:

Brian A. Dietzel	Reg. No. 44,656
Kevin R. Imes	Reg. No. 44,795

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980

Direct Telephone Calls To:

Barton E. Showalter
at (214) 953-6509
Atty. Docket No. 062986.0186
(15-4-0901.00)

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Full name of the first inventor

D'Arcy M. Tyrrell, III

Inventor's signature

Date

Residence (City, County, State)

Orange, Orange County, California

Citizenship

United States of America

Post Office Address

1747 Fern Street
Orange, California 92867

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Full name of the second inventor

Anne P. Wagner

Inventor's signature

Date

Residence (City, County, State)

San Francisco, San Francisco County,
California

Citizenship

United States of America

Post Office Address

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Full name of the third inventor

Dave Witters

Inventor's signature

Date

Residence (City, County, State)

Eagan, Dakota County, Minnesota

Citizenship

United States of America

Post Office Address

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(SGI# 15-4-0901.00)

DECLARATION AND
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Full name of the fourth inventor

Rich Petersen

Inventor's signature

Date

Residence (City, County, State)

Eagan, Dakota County, Minnesota

Citizenship

United States of America

Post Office Address

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DECLARATION AND
POWER OF ATTORNEY

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Full name of the fourth inventor

Dave Lease

Inventor's signature

Date

Residence (City, County, State)

Eagan, Dakota County, Minnesota

Citizenship

United States of America

Post Office Address

ATTORNEY DOCKET 062986.0186
(SGI # 15-4-0901.00)PATENT
09/609,046

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: D'Arcy M. Tyrrell, III, et al.
Serial No.: 09/609046
Filing Date: June 30, 2000
Title: METHOD AND SYSTEM FOR
DISTRIBUTED RENDERING

Honorable Assistant Commissioner
of Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION OF FACTS PURSUANT TO 37 C.F.R. § 1.47

1. I am patent counsel for Silicon Graphics, Inc. ("SGI"). SGI is an assignee of the above-identified application. I make this declaration in support of a Petition to Make Application Under 37 C.F.R. § 1.47, which is made because some of the joint inventors, Anne P. Wagner, David Witters, Richard A. Peterson and David Lease (hereinafter, "uncooperative inventors"), refuse to sign the application.

2. Sometime between January and March of 2001, Steve Shumaker, an attorney representing Wam!Net, the company with whom the uncooperative inventors are associated, first contacted me by telephone to discuss ownership of the above-referenced patent application.

3. Mr. Shumaker and I spoke by telephone on at least one occasion since then and he stated the uncooperative inventors would not sign the application because of an ownership dispute over the application.

4. After the express refusal to sign, the inventors and Mr. Shumaker were contacted by voicemail or email numerous times requesting they sign the application, but those contacts have not been returned.

5. The last day to file a Response to the outstanding Notice of Missing Parts, including exhausting all available extensions of time, is May 7, 2001, the next business day after the date of this Declaration.

DAL01;602334.1

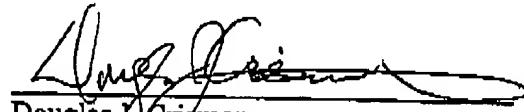
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6. Mr. Shumaker's actions and the uncooperative inventors' actions demonstrate to me that they refuse to sign the application.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the patent issuing from the instant application.



Douglas J. Crisman
Director, Intellectual Property
Silicon Graphics, Inc.

Date: 5/4/01